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Algeria

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Introduction

1. In recent years Algeria has been engaged in an inclusive, transparent review process focusing on the consolidation of the rule of law, good governance, human rights and human development.

2. Because this reform effort is so wide-ranging, existing legislation and regulations have had to be reformulated. The culmination of this initiative was the amendment of the Constitution, following extensive consultations, on 7 February 2016.

3. These amendments attest to the Government's desire to promote universally recognized human rights in an effective manner.

4. This review process paves the way for the population's broader involvement in public affairs, improved quality of life and streamlined access to government services.

I. Methodology and consultation

5. This report is submitted pursuant to United Nations General Assembly resolution 60/251 of 15 March 2006 and paragraph 15 (a) of Human Rights Council resolution 5/1 of 18 June 2007. It has been prepared in accordance with the general guidelines for the preparation of information under the universal periodic review (decision 17/119).

6. The report draws on the periodic reports submitted by Algeria to various international and regional human rights mechanisms and on the two national reports submitted in 2008 and 2012 regarding the steps taken in follow-up to the universal periodic review process.

7. The drafting of this report was undertaken following numerous consultations by a multisectoral working group coordinated by the Ministry of Foreign Affairs.

8. A number of consultative bodies also contributed to the report, including the High Commission for Amazigh Affairs, the National Economic and Social Council, the High Islamic Council and the National Consultative Commission for the Promotion and Protection of Human Rights.

9. Representatives of civil society that are active in the field of human rights were invited to take part in the preparation of this report.

II. New developments since the previous review

10. Algeria continued to pursue the institutional, political and socioeconomic reform process which was launched in 2011 and which culminated in the constitutional amendments that were adopted on 7 February 2016.

A. The constitutional review process

11. The amendment of the Constitution was the result of an inclusive review process in which the views of politicians, associations, consultative bodies, prominent national figures, opinion makers and religious leaders served as inputs for the formulation of new constitutional provisions. The actual drafting of those provisions was undertaken by a committee of constitutional experts.

12. Innovative measures in the sphere of human rights include the following:

(a) The establishment of the Tamazight national language as an official language;

(b) The introduction of an entrenched provision that limits the number of terms that a president may serve to two;

(c) Promotion of participatory democracy at the local level;

(d) Reinforcement of the role of the parliamentary opposition;

(e) Steps relating to the objective of achieving gender parity in access to employment and in the sharing of responsibilities;

(f) The improvement of custodial conditions and limitation of the use of pretrial detention;

(g) The introduction of mediation procedures for minor offences and of a system of appeal courts for criminal matters;

(h) The reaffirmation of the gravity of the crime of torture;

(i) The introduction of the right to lodge a challenge on the basis of unconstitutionality;

(j) The introduction of provisions which establish that citizens' rights cannot be restricted except by a reasoned court decision;

(k) The protection of personal data;

(l) Recognition of the right to peaceful demonstration;

(m) Consolidation of guarantees for freedom of the written, broadcasting and electronic press and of its freedom from censorship;

(n) The establishment of child protection services and services for persons with disabilities and the prohibition of child labour;

(o) The establishment of the right to culture and guarantees for the exercise of academic freedom and the freedom to engage in scientific research and innovation;

(p) Recognition of the freedom to engage in investment and commerce and consumer protection.

B. Institutional mechanisms

Reinforcement of the role of the parliamentary opposition

13. The revised Constitution grants new rights to political parties that will revitalize their role in political affairs.

14. It strengthens the role of the parliamentary opposition by granting it rights that will enable it to play a meaningful role in political affairs by means of the following:

(a) Effective participation in legislative work and in the monitoring of government action;

(b) Appropriate representation in parliamentary bodies;

(c) Eligibility for the financial support provided to elected members of parliament;

(d) Participation in parliamentary diplomacy.

15. Parliament holds a meeting each month to consider an agenda presented by one or more opposition groups in the legislature. Any group of 30 members of the opposition in either house of parliament has the right to formally submit questions, either orally or in writing, to the Government, which must reply within 30 days.

16. Parliamentary approval is required for the ratification of certain types of treaties, conventions and agreements. Those requiring such approval are listed in the Constitution.

17. The principle that the media should be open to the opposition is laid down in the revised Constitution. The law establishes that the amount of public air time to be given to political parties is to be proportionate to their level of national representation.

Consolidation of the independence of the judiciary

18. The independence of the judiciary has been strengthened further each time the Constitution has been amended. The amendments adopted on 7 February 2016 introduce a number of new guarantees.

19. The High Council of the Judiciary is presided over by the President of the Republic and is composed primarily of jurists. The Council enjoys administrative and financial autonomy and takes decisions regarding the progress of the careers of members of the judiciary. Under the chairmanship of the First President of the Supreme Court, it verifies compliance with the Judiciary Organization Act and plays a role in disciplinary matters.

Reinforcement of the Constitutional Council's autonomy

20. The Constitutional Council is an independent institution that enjoys administrative and financial autonomy. It is its job to ensure that all laws, treaties and regulations are in accordance with the Constitution. It is also responsible for ensuring that elections are conducted properly. Its opinions and decisions are binding upon government, administrative and judicial authorities.

21. Its 12 members serve for a single, non-renewable eight-year term.

22. At the request of the President of the Republic, the Constitutional Council issues binding opinions regarding the constitutionality of institutional laws. The Chair of the Council of the Nation, the President of the National People's Assembly, the Prime Minister, any group of 50 members of the National People's Assembly or any group of 30 members of the Council of the Nation may refer matters to the Constitutional Council.

23. In addition, an appellant whose case is dismissed by the Supreme Court or the Council of State may lodge a constitutional challenge with the Constitutional Council.

Establishment of the High Independent Authority for Elections Oversight

24. The High Independent Authority for Elections Oversight is a new mechanism tasked with ensuring the transparency and impartiality of elections.

25. It is responsible for overseeing the review of electoral lists and ensuring an equitable distribution of campaign funding among the various candidates. It ensures that election materials are available, that the opening and closing hours of polling stations are respected and that candidates are able to exercise their right to be present at the polls.

26. It is authorized to report any violation of the standards established for the broadcast media to the corresponding regulatory agency so that the necessary action may be taken.

27. If the Authority determines that any such violation or any matter that has been referred to it is of a criminal nature, it informs the corresponding public prosecutor.

28. The Authority is composed of 410 members. Half of them are jurists, while the other half are independent experts drawn from civil society. The Authority has a 10-member board and may deploy its members as soon as a writ for elections has been issued. The members then set up local offices in the country and, as necessary, abroad.

Establishment of the National Human Rights Council

29. The National Human Rights Council, whose establishment is provided for in the Constitution and in Act No. 16-13 of 3 November 2016, is an independent agency attached to the Office of the President of the Republic.

30. The Council has legal status and financial and administrative autonomy. It works to promote and protect human rights and is responsible for monitoring and for early warning procedures and human rights assessments.

31. Its 38 members are chosen for their demonstrated qualifications, integrity, expertise and commitment to human rights and are drawn from civil society, associations, and professional and trade union organizations, as well as from parliament. The President of the Council is elected by his or her peers and serves a four-year term, with two-term limit.

32. The Council submits an annual report to the President of the Republic, the Prime Minister and parliament and ensures its dissemination.

Establishment of the Office of the National Child Protection Ombudsman

33. The establishment of the Office of the National Child Protection Ombudsman is provided for in Act No. 15-12 of 15 July 2015. This new national office is attached to the Office of the Prime Minister, and its incumbent is entrusted with coordinating all matters relating to children, bringing issues falling within his or her mandate to the Government's attention and making recommendations regarding such issues.

34. The National Ombudsman is tasked with promoting children's rights and, to that end, setting up and regularly evaluating national and local programmes for the protection and promotion of the rights of the child.

Establishment of a regulatory authority for the broadcast media and a provisional committee to issue press credentials and passes

35. The Information Act (Act No. 12-05) provides for measures that will put an end to the monopoly on broadcasting and ensure greater equity and transparency in the award of broadcasting frequencies and licences. It also provides for the establishment of an independent regulatory agency to oversee the broadcasting industry.

36. The Broadcasting Act (Act No. 14-04) specifies the duties, powers, composition and modes of operation of this autonomous agency and establishes that it is to be fully independent in the performance of its tasks.

37. The establishment of this authority in June 2016 constitutes an important step towards demonopolizing the broadcasting industry and ensuring the free exercise of broadcasting activities.

38. For the convenience of information professionals, in July 2014 a provisional joint committee was set up to draw up the lists of journalists, issue press cards and make preparations for the general assembly that will set up the standing national committee that will take over its tasks.

III. Promotion and protection of human rights on the ground

A. Updating legislation on rights and freedoms

39. The reform process that began in the 2000s has resulted in a number of developments since 2012:

1. Amendment of the Electoral Code

40. The Institutional Elections Act (Act No. 16-10) of 25 August 2016 offers an opportunity for political parties to strengthen their role in political affairs and to create a framework within which elections will become the crowning achievement of ongoing political party activity.

41. In addition to consolidating the oversight mechanisms for use at all stages of polling operations, this law ensures total transparency in the regulation of polling stations and the arrangements for making electoral lists available to candidates and political parties. This will allow them to enter challenges in the ballot paper accounts at the level of each polling station, to receive authentic copies of the results and to lodge appeals with the competent authorities.

42. The new Electoral Code streamlines the procedures involved in standing for election at the local and legislative levels by authorizing the acceptance of a sworn statement, rather than requiring the submission of written records, reducing the number of signatures required and more closely regulating campaign spending limits.

2. Reinforcement of citizens' rights and guarantees

Police custody

43. Ordinance No. 15-02 of 23 July 2015 modifies the rules governing situations in which persons are held in police custody and strengthens pre-existing measures for protecting the rights of such persons.

44. Under the new provisions, persons in police custody are entitled to be visited by their legal counsel, and foreign nationals in police custody may contact their employer or the diplomatic or consular representatives of their country and may also have the assistance of an interpreter.

45. The above-mentioned rights are posted in a national language and in French on a sign placed at the entrance to the duty room in all police detention facilities.

Pretrial detention and the presumption of innocence

46. The rules and conditions under which pretrial detention may be ordered have been made more stringent. The grounds for ordering pretrial detention (which is already used only in exceptional cases), its duration and its extension are defined by law.

47. Ordinance No. 15-02 reaffirms the prevailing general rule that a person charged with an offence should remain at liberty while the investigation is being carried out. A judge may order pretrial detention only if there is no other way of making sure that the accused will appear in court, ensuring his or her protection or preserving evidence or if it serves to stop or prevent the accused from offending or averts the risk of conspiracy among accused persons and accomplices that could interfere with the establishment of the truth.

48. In order to ensure that pretrial detention is used only as an exceptional measure, the law delineates the conditions under which recourse to such detention may be had and encourages the use of non-custodial measures. If those measures are insufficient to ensure that the accused will appear in court, the judge may resort to the use of detention on remand under the applicable provisions, which require the investigating judge to notify the accused of the grounds on which that order is based; in such cases, the accused has the right to challenge that decision on appeal.

49. Pretrial detention cannot be ordered in cases involving offences punishable by less than 3 years' imprisonment unless the accused provides no assurances that he or she will appear in court when summoned or if the offence has involved a person's death or seriously disrupted the public order. Pretrial detention is subject to a four-month limit; this period can be renewed once for cases involving minor offences, twice for cases involving serious offences and three times for cases involving offences that are punishable by 20 years' imprisonment or more, life imprisonment or the death penalty.

50. The new law facilitates the use of a simplified procedure involving an immediate appearance in court instead of the *flagrante delicto* procedure. This has led to a reduction in the number of cases of pretrial detention.

51. The introduction of provisions allowing for the use of electronic bracelets and for the use of community service arrangements adds to the array of non-custodial measures that can be used by the courts. In the case of non-nationals, release on bail is also a possibility.

The criminalization of violence against women

52. The amendments to the Criminal Code introduced under Act No. 15-19 include the introduction of new provisions under which specific types of acts that constitute an affront to the dignity of women or that cause them physical or psychological harm are defined and characterized as criminal offences.

53. Marital violence, physical violence, assault, repeated verbal or psychological violence, abandonment of the family, accosting a woman in public, any indecent assault by means of an act, gesture or word, an act of aggression conducted by means of surprise, violence, coercion or threat constituting an assault on a woman's sexual integrity, and

sexual harassment by means of any act, use of language or sexual insinuation are all severely punished by law.

54. Prison sentences are provided for if the offence is committed in the workplace under aggravating circumstances (the victim is under 16 years of age, the offender has taken advantage of the victim's vulnerability, ill-health, infirmity or physical or mental impairment or the victim is pregnant or if the offence is committed in the presence of minors or the victim is threatened with a weapon).

55. In order to safeguard the dignity and meet the material needs of divorced women who are living in difficult circumstances or who have custody of their minor children, new provisions have been introduced under which material and financial assistance in the form of alimony and child support will be paid out of a special fund established under Act No. 15-01 of 4 January 2015.

Decriminalization of management and press offences

56. In cases involving corporate management actions that have entailed the theft, misappropriation or damage or loss of public or private funds, amendments to the Code of Criminal Procedure introduced under Ordinance No. 15-02 restrict the public right of action by making its exercise contingent upon the filing of a complaint by a corporate body.

57. This releases managers from managerial constraints and allows them to act more freely. From now on, it will be the responsibility of corporate bodies, such as the board of directors or the general meeting of shareholders, to lodge a complaint if managers or administrators commit an offence.

58. The revised Constitution stipulates that press offences are not punishable by a custodial penalty.

Child protection

59. Act No. 14-01 of 4 February 2014 introduced provisions setting forth the legal characterization of such offences as using a child to beg, kidnapping and sexual assault of a minor. It also sets the age of criminal responsibility at 10 years and indicates that a child under 13 years of age may be subject only to rehabilitation measures or, in matters involving minor offences, a reprimand. Minors between the ages of 13 and 18 are subject to protection or rehabilitation measures or, as appropriate, reduced penalties.

60. The Child Protection Act (Act No. 15-12) of 15 July 2015 covers all minors in conflict with the law.

61. This law guarantees protection for children from any form of prejudice, neglect, violence, ill-treatment, exploitation and any type of physical, moral or sexual assault. To this end, it sets out appropriate measures for safeguarding their rights during emergency situations, disasters, war and other forms of armed conflict. It also provides for measures to protect children from the media in order to shield them from any influence that could undermine their physical or mental well-being.

62. Any minor being held in custody must be held in an appropriate facility in conditions that uphold the minor's human dignity and that are in keeping with the specific character and needs of children. Any interviews of child victims of sexual assault must be taped, and psychological assistance must be made available during such meetings.

B. Human rights awareness-raising, dissemination and training

63. The various training programmes offered in the divisional units of the Ministry of Justice include modules for the initial training, in-house training and professional development of all judges and prosecutors.

64. Security services and the prison service also include instruction in human rights in the training that they provide to their officers and sub-officers and to law enforcement officers.

65. In the fulfilment of its mandate, the National Advisory Committee on the Promotion and Protection of Human Rights (CNCPPDH) has continued to provide training on a decentralized basis and has furnished human rights training in numerous regions of the country for government personnel, members of civil society and members of the media. Activities in this connection undertaken since 2012 include:

(a) The organization of workshops on the treaty bodies:

- Human Rights Committee, April 2012
- Committee on the Elimination of Discrimination against Women, Algiers, May 2012
- Committee on Economic, Social and Cultural Rights, Algiers, August
- Committee on the Rights of the Child, Constantine, April 2013
- Committee on the Elimination of Racial Discrimination, Algiers, October 2013

(b) Training for trainers on international mechanisms for the protection of women's rights, September 2012 and November 2013;

(c) Training on the rights of persons with disabilities, February, May and December 2013;

(d) Workshop on the Optional Protocol to the Convention against Torture, Algiers, February 2013;

(e) Training for members of the committee for follow-up to the recommendations of the Committee on the Elimination of Discrimination against Women, Algiers, December 2014;

(f) A training seminar for journalists entitled "The press and human rights", Algiers, April 2015;

(g) A series of training sessions on recent amendments to the Code of Criminal Procedure for staff of the Ministry of Justice, the National Security Directorate and the National Gendarmerie in a number of different provinces (*wilayas*).

C. Cooperation with human rights mechanisms

66. In 2010, the Government extended an invitation to seven human rights mandate holders, five of whom have already visited Algeria. Two of those visits have occurred since 2012:

(a) Special Rapporteur on the right to education, Mr. Kishore Singh, 24 January to 3 February 2015;

(b) Special Rapporteur on the right to health, Mr. Dainius Puras, 27 April to 10 May 2016.

IV. Follow-up to recommendations made during the preceding review

A. Recommendations noted

67. **Recommendations 5 and 6**: Algeria accepted the recommendation that it evaluate the possibility of ratifying the convention in question. That review is under way.

68. **Recommendations 12, 14, 15, 19, 22, 23 and 68**: Algeria honours its commitments. The laws adopted by parliament regarding democratic freedoms are based on international standards.

69. The adaptation of national laws is an ongoing process that is based on regular evaluations by government authorities in conjunction with the officials responsible for their application. These evaluations include the identification of good practice but focus, in particular, on detecting constraints so that they can be addressed and overcome.

70. The revised Constitution provides further guarantees for the exercise of freedom of information and freedom of expression, and custodial sentences may no longer be imposed on information professionals. The freedom to demonstrate peacefully has also been established by law.

71. See the response to recommendation 17.

72. **Recommendations 30, 83, 84 and 85**: Algeria has no laws that discriminate against any group of persons.

73. Since its independence, Algeria has repealed the discriminatory laws and regulations that existed. The principle that all citizens have equal rights and duties and that they all enjoy equal protection under the law is enshrined in the Constitution. The country's legislation, which incorporates the provisions of international conventions in large measure, is based on the principle of non-discrimination.

74. Inheritance rights are derived from the laws of Islam (sharia). They are governed in an overarching manner, with dowries and child support being payable by the husband rather than the wife. There is only a single type of case in which there is a difference in succession rights between the two sexes, but there are numerous circumstances under which women can inherit more than once while men will not inherit at all.

75. See the response to recommendations 29, 33, 34, 35, 36 and 37.

76. **Recommendations 17 and 23 (partial)**: The state of emergency was lifted for the whole of the country on 11 February 2011. The specific measures in place in the Algiers *Wilaya* are designed to protect people and their property from potential terrorist attacks, although terrorist groups in that area have been drastically reduced and contained.

77. Demonstrations and sit-ins that have prior authorization continue to be organized in Algiers by political parties and other associations, as is shown by the fact that thousands of rallies and assemblies have been held in connection with the different elections conducted in Algeria in recent years.

78. The Information Act and the Associations Act promulgated in 2012 have helped to strengthen further the realization of the right to freedom of opinion and expression and the right to freedom of association. Both of these laws are fully in accordance with international standards.

79. **Recommendations 86, 87, 88, 89, 104 and 112**: Algeria cooperates fully with the special procedures of the Human Rights Council. As part of that cooperative relationship, and in accordance with national priorities in this regard, the Government extended invitations to seven mandate holders, five of whom have already visited the country.

80. Algeria is prepared to look favourably upon any request from mandate holders for leave to visit the country and stands ready to engage in consultations with them to that end.

81. **Recommendations 90, 91 and 92**: Algeria has maintained a de facto moratorium on the application of the death penalty since September 1993 and has amended its Criminal Code to restrict the applicability of capital punishment to the most serious crimes. Terms of imprisonment have replaced the death penalty in the Criminal Code for the offences of armed robbery, trafficking in narcotics, arson, aggravated robbery, counterfeiting and smuggling.

82. Sentences imposing the death penalty are regularly commuted to life imprisonment.

83. **Recommendations 93 and 94**: In the 1990s, Algeria found itself in the midst of a security crisis brought on by terrorist attacks. In order to address that situation, Algeria chose to set up an internal mechanism to deal with the situation and to put an end to the crisis. That mechanism is embodied in the Charter for Peace and National Reconciliation, which was submitted to the people for their approval.

84. The Charter, which was adopted by referendum, is aimed at restoring peace and social cohesion and healing the deep wounds inflicted on the civilian population by terrorists.

85. As defined in the Charter, national reconciliation is not an individual process, nor is it an excuse for forgiving and forgetting and letting impunity prevail. Rather, it is a form of transitional justice adapted to the situation in Algeria.

86. It constitutes a collective democratic response intended to put an end to the bloodshed once and for all, to establish a lasting peace and, in a spirit of solidarity and pardon, to give the Algerian people hope for the future so that they can build the nation for future generations.

87. **Recommendation 107**: Algeria, like other States that share its cultural legacy, does not regard the deviant behaviour of certain categories of persons to be a human rights issue but rather a matter of personal conduct.

B. Partially implemented recommendations

88. **Recommendations 8 and 9**: Algeria is party to almost half of the international human rights instruments. It ratified the Maputo Protocol on women's rights and the African Charter on Democracy, Elections and Governance on 27 September 2016.

89. Algeria has been party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families since 2005 and is looking into the possibility of becoming a party to International Labour Organization (ILO) Convention No. 189.

90. **Recommendation 69**: The Associations Act (Act No. 12-06) consolidates the right to establish associations by providing that applications for registration must be approved or denied within a set time period, that a non-response constitutes approval, that applications may be denied only if there is an infringement of the law and that denials of applications for registration may be appealed in the courts.

91. The law does not prohibit associations from receiving funding from foreign partners. On the contrary, it encourages the formation of partnerships, so long as they observe universally accepted standards regarding the integrity of managers, financial transparency, the linkage of funding with the work of the non-governmental organization concerned, and the arrangements for tracing how funds are used.

92. **Recommendation 95**: The Government gave its approval in principle for the Working Group's visit to Algeria in December 2013. The two parties are discussing the matter in order to reach an agreement concerning the terms of reference for the visit and its timing.

93. See also the response to recommendation 86.

94. **Recommendation 105**: Prisons in Algeria are under the authority of the courts and are inspected on a regular basis by the corresponding prosecutor's office. Algerian non-government organizations, the National Advisory Committee on the Promotion and Protection of Human Rights and the International Committee of the Red Cross (ICRC) regularly visit prisons and holding facilities in police stations and at National Gendarmerie posts.

95. ICRC alone made more than 265 such visits, and its staff have held private interviews with thousands of prisoners.

1. Inspections of holding facilities

Authority	*2013*	*2014*	*2015*
Prosecution Service	9 331	9 679	9 766

2. Inspections prisons

Authority	*2013*	*2014*	*2015*
Prosecution Service	2 018	147	219
Inspector General		10 355	6 156
ICRC	16	13	12
NGOs	2 331	1 757	2 395

C. Implemented recommendations

96. **Recommendation 10**: Well before the United Nations Convention was ratified, Algeria had adopted a framework law on persons with disabilities (Act No. 02-09 of 8 May 2002). In addition, the Constitution guarantees a basic pension for life to persons who are unable to work.

97. **Recommendations 13, 16 and 20**: All the versions of the Constitution of Algeria have guaranteed the right to exercise freedom of opinion, expression and association. Specific laws governing the exercise of those rights are also in place.

98. See the response to recommendation 25.

99. **Recommendation 18**: The measures introduced in connection with the state of emergency were discontinued well before 9 February 2011. The action taken in that respect included the lifting of the curfew, the closure of administrative security camps and the revocation of house arrest orders. The series of legal provisions introduced in 1992 have gradually been lifted, amended and/or adapted.

100. **Recommendation 21**: There are no prisoners of conscience in Algeria. In addition, the new Information Act, which was adopted in the course of the legislative reform effort pursued in 2011 and 2012, does not provide for any custodial penalties. This is also mentioned in the revised Constitution.

101. **Recommendation 24**: Political parties are an integral part of the country's institutional framework. The State has provided the parties with offices and other forms of assistance so that they can pursue their activities. Since the promulgation of the corresponding law in 2012, 43 new political parties have registered, bringing the total number of parties to 71.

102. The Constitution guarantees equal treatment and equitable access to the media for political parties. Reimbursement of electoral campaign expenses is guaranteed by the Institutional Elections Act.

103. **Recommendation 25**: There is no legislation that criminalizes the exercise of the right of freedom of religion. Religious groups must observe the rules governing religious practices, and those rules also apply to the Islamic religion.

104. Algerian legislators have not criminalized the act of religious conversion per se either, as no convert is subject to criminal penalties for having converted from one religion to another.

105. **Recommendations 28 and 32**: There is no access barrier in Algeria for women wishing to enter any profession or position other than those based on qualifications or merit.

106. The State is working to promote women's entry into positions of responsibility in public offices and institutions and businesses and to promote the application of the principle of gender parity in the labour market.

107. Algeria ratified the Convention on the Political Rights of Women on 19 April 2004. The Constitution was amended in 2008 to promote the political representation of women in elected bodies. An institutional law in this regard was promulgated on 12 January 2012.

108. **Recommendation 31**: Equality among all members of the population is one of the fundamental principles enshrined in the Constitution.

109. **Recommendations 38 and 42**: A national strategy for combating violence against women was adopted by the Government in 2007 and is being applied. It has been coupled with a communications plan in which the media, religious leaders, academicians and civil society are all involved.

110. **Recommendation 43**: The Criminal Code provides for the punishment of violent acts committed in the workplace, in public areas and in private spheres of life.

111. See the response to recommendations 39, 40, 41, 44, 45, 46 and 47.

D. Accepted recommendations

112. **Recommendation 11**: During the interactive debate with the Special Rapporteur and the member States of the Council, Algeria gave a presentation on the measures it has taken and the steps it plans to take to give effect to the recommendations made in the report submitted to the Council in plenary during its twentieth session.

113. See the response to recommendations 16, 21, 24 and 25.

114. **Recommendations 26, 27, 48 and 49**: In 2007 the Government adopted a national strategy for combating violence against women. As part of the implementation of that strategy, a series of steps have been taken, including the following:

(a) The development of a communications plan;

(b) The completion of a number of studies;

(c) The compilation of statistics;

(d) The preparation of a manual to provide guidance for persons working to combat violence against women;

(e) The provision of training to personnel involved in providing treatment and care for women victims of violence with a view to improving the quality of care.

115. The evaluation of the implementation of this strategy has been undertaken by a pluralistic national commission composed of representatives of institutions, civil society, academia and social workers.

116. **Recommendations 29, 33, 34, 35, 36 and 37**: The principle of gender equality is enshrined in a number of articles of the Constitution. It should be noted that women:

(a) Have access to all public positions;

(b) Have the vote and may stand as candidates in any and all elections;

(c) Are entitled to found political parties, associations and trade unions and to serve as directors and representatives of those bodies;

(d) Are entitled to voice their opinions freely through all channels of expression;

(e) Are entitled to hold meetings and demonstrations;

(f) Are entitled to bring cases to court;

(g) Are entitled to choose their place of residence and to circulate freely within the country and abroad;

(h) Have access to all social benefits provided for by law, including housing, so long as they meet the corresponding eligibility requirements;

(i) Have access to educational institutions at the primary, intermediate, secondary and tertiary levels;

(j) Have access to vocational training courses in all branches;

(k) Have access to both preventive and curative health care;

(l) Are entitled to conclude any and all types of contracts;

(m) Are entitled to obtain loans or other similar types of advances provided for by law. The laws governing the granting of bank loans and mortgages do not contain discriminatory provisions of any sort;

(n) Have access to employment and to career and promotion assurances;

(o) Have the same levels of remuneration, statutory rest periods and pension entitlements.

117. **Recommendations 39, 40, 41, 44, 45, 46 and 47**: Algerian law makes no distinction in terms of the penalization of the various forms of violence and provides for a series of sanctions, including for sexual harassment, based on the circumstances involved and on the consequences for the person concerned.

118. An intersectoral commission that was set up in March 2014 proposed new provisions on violence against women for introduction into the Criminal Code. Those provisions were adopted in December 2015.

119. See paragraphs 52, 53 and 54.

120. With regard to economic violence, article 330 of the Criminal Code, which deals with family abandonment, has been amended to cover spousal abandonment. It provides for the protection of an abandoned wife from attempts to deprive her of her goods or resources by means of coercion or intimidation.

121. The provision relating to exonerating circumstances in cases of theft of the goods of one spouse by the other and the requirement that criminal proceedings had to be initiated by the filing of a complaint have been abrogated in order to align the law with the matrimonial regime founded upon the principle of the separation of property.

122. **Recommendations 50, 51, 52, 53 and 55**: In all matters relating to democratic freedoms, human rights, the rule of law and governance, parliament takes the treaties ratified by Algeria into consideration when drafting legislation.

123. The observation of this principle reflects the fact that ratified treaties prevail over national laws. The Constitutional Council is empowered to override a national law if it determines that the law is not in conformity with ratified treaties.

124. The reformulations and other amendments introduced on a number of occasions into the founding legislation of the pluralistic system in Algeria have invariably been aimed at strengthening human rights. The exercise of those rights has been consolidated as shortcomings in the existing provisions come to light in the course of their application. Action is then taken to address those shortcomings and to clarify those provisions and increase their effectiveness.

125. **Recommendation 54**: Algeria has put anti-corruption mechanisms into place. In addition to Act No. 06-01 of 26 February 2006, which is reinforced by a legal framework that is based on international treaties, acts of corruption are punishable under the Criminal Code.

126. Algeria has a number of anti-corruption bodies, including the National Anti-Corruption Agency, the Central Office for the Suppression of Corruption, the Financial Information Processing Unit, the Court of Auditors and the General Financial Inspectorate.

127. **Recommendations 49, 96, 97, 98, 99, 100, 101 and 102**: A national action plan entitled "An Algeria fit for children" has been developed in cooperation with national institutions, civil society organizations and a consultative group of children and adolescents with support from the United Nations Children's Fund (UNICEF).

128. For the period 2008-2015, the plan covers four major areas of work: the rights of the child, the promotion of a healthful life, quality education and child protection. A steering committee composed of representatives of national institutions, civil society, and children and adolescents has been set up to ensure that follow-up action is taken.

129. The strategy for combating violence against children focuses on preventive measures and on the reintegration of victims of such violence into society. Public officials, and particularly teachers, social workers and educators, have an obligation to report suspected cases of violence at school or in the home. A communications and training plan has been developed to support the implementation of this strategy.

130. **Recommendations 56, 57, 58, 59, 60, 70, 76 and 80**: The right to education and the right to health are both constitutional rights. Universal access to education and health care is free of charge. Algeria achieved the health and education targets set for the Millennium Development Goals ahead of the time horizon set for that purpose.

131. All regions of the country are treated equally and benefit from the same services, particularly with respect to road, educational, hospital, water supply, sanitation and electrical power infrastructure.

132. Special development programmes are in place for the high plateaux and the Saharan region. Education, health and employment are high priorities for all sectors.

133. Specific areas of activity focus on ensuring that infrastructure, means of transport and school bus services are close enough to be accessible and on the availability of the necessary living arrangements, in particular boarding facilities for students in public schools or in vocational training institutions.

134. See the response to recommendation 81.

135. **Recommendations 61, 62 and 77**: The State's social policy focuses on providing the same opportunities and advantages to all members of the population, regardless of where they live.

136. In addition to the five-year economic reactivation plans that have paid evident dividends in terms of human development, the State has launched other special programmes for certain wilayas. These initiatives are designed to encourage the population to adopt a settled lifestyle by offering the same services everywhere, thereby eliminating incentives for large-scale population shifts towards large urban centres, and, above all, to ensure that the whole of the national community has a sufficient income.

137. As part of this effort, new administrative districts (*wilayas déléguées*) have been created in southern Algeria.

138. **Recommendation 63**: The principle of non-discrimination in the enjoyment of civil and political rights and of economic, social and cultural rights applies under all circumstances.

139. Social policy focuses on combating exclusion and helping young people, women and persons experiencing difficulties to gain greater autonomy so that they can become integrated into society and escape poverty.

140. **Recommendation 64**: The Government allocates an average of 30 per cent of GDP for the implementation of its social policy and the promotion of national solidarity. Social transfer payments cover education, culture, health, housing, social security, water supply, sanitation and energy.

141. **Recommendation 65**: Work on the reform of the justice system began in the early 2000s.

142. In addition to the review of legislation and its alignment with the provisions of international treaties and the new realities of Algerian society, more courthouses have been built and prison infrastructure has been modernized.

143. Information and communications technologies have revolutionized the sector, making it possible to make huge strides in improving the quality of judicial services. Users of such services now have access to streamlined applications that make it possible to obtain documents or track case files remotely.

144. **Recommendations 66 and 67**: Civil society is an essential partner of the Government, as is attested to by the fact that there are over 100,000 civil society associations.

145. **Recommendations 71 and 72**: The Government devotes a sizeable portion of its budget to the promotion of health in Algeria:

(a) The right to health is a constitutional right;

(b) Access to health care is free and non-discriminatory. Health care is available to foreign nationals regardless of their residence status;

(c) Health-care service coverage encompasses all regions of the country.

146. The State is working to improve health-care services by entering into performance contracts with health-care facilities with a view to upgrading service quality and rationalizing health-care providers' expenditures.

147. **Recommendation 75**: Services for persons with disabilities are guaranteed under the Constitution, which states that: "The State seeks to ensure that vulnerable persons having specific needs enjoy all their rights as citizens and participate in social affairs."

148. The Constitution states that: "Suitable living conditions are guaranteed for citizens who cannot yet, can no longer or will never be able to work."

149. As part of the State's efforts to protect children with disabilities and to promote their interests, support mechanisms have been put in place to help ensure that children with disabilities will be integrated into their family, educational and socioeconomic environments.

150. These mechanisms have been introduced pursuant to a law on the protection of persons with disabilities and the promotion of their interests which was adopted in May 2002 and a series of implementing regulations.

151. **Recommendations 73, 74 and 78**: The nation's education policy is founded upon the principle of equality of opportunity for all children. Education is free of charge from the first cycle up to the tertiary level. School attendance is compulsory for children between the ages of 6 and 16, and parents are subject to penalties if their children fail to attend school.

152. In order to help prevent children from dropping out of school, the Government provides disadvantaged children with remedial support aimed at reducing repetition rates and various other forms of assistance, such as scholarships, school textbooks and materials, meals programmes and school bus service. The Government also covers boarding costs for students from remote areas.

153. Girls are provided with the same benefits as boys, and this policy has yielded very positive results for girl students.

154. **Recommendations 79 and 106**: The right to education is high up on the Government's agenda. In addition to the fact that school attendance is mandatory, the universal coverage of the education system makes schooling accessible for all children.

155. A human rights culture is an integral part of education in Algeria and is an essential element in the civic education of the citizenry. At the start of each school year, a specific subject is chosen for presentation to the students and is then followed up on over the course of the year.

156. This approach is applied to all teachers and others involved in educating the country's future leaders. Institutions of higher learning (specialized schools, universities and selective institutes at the tertiary level) provide human rights courses, and the material they cover is included in the certification examinations of teachers, professors and other instructors.

157. Human rights education is a central element in the outreach and advocacy efforts of the Government and civil society in Algeria.

158. **Recommendation 81**: Algeria has devised a strategy for taking advantage of what is known as the "demographic dividend". In April 2008, the Government adopted an action plan for boosting employment and tackling the problem of unemployment. The action plan sets out the following objectives:

(a) Fight unemployment by using fiscal and parafiscal measures and interest subsidies to promote job-creating investments;

(b) Provide job training;

(c) Use entrepreneurship programmes as a direct means of increasing employment opportunities;

(d) Build the capacity of institutions in the labour market to play a more effective intermediary role in helping to align employment supply and demand.

159. This strategy has led to an increase in the working population, with no fewer than 1,800,000 jobs for young people having been created in 2008-2015.

160. **Recommendation 82**: Since April 2012, the Government of Algeria has submitted:

(a) Its initial report on its implementation of the Convention on the Rights of Persons with Disabilities;

(b) Its second periodic report regarding migrant workers and members of their families;

(c) Its twentieth and twenty-first periodic reports on its implementation of the Convention on the Elimination of All Forms of Racial Discrimination;

(d) Its initial report on child soldiers under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;

(e) Its fourth periodic report on the International Covenant on Civil and Political Rights;

(f) Its fifth and sixth reports under the African Charter on Human and Peoples' Rights;

(g) Its initial report under the African Charter on the Rights and Welfare of the Child;

(h) Its second report on its implementation of the Arab Charter on Human Rights.

161. **Recommendation 103**: The Constitution prohibits slavery, exploitation and servitude.

162. Article 10 of the revised 2016 Constitution states that institutions must refrain from engaging in:

(a) Feudal or regionalistic practices and nepotism;

(b) The establishment of relationships based on exploitation or dependence;

(c) Practices that run counter to the moral philosophy of Islam or to the values of the November Revolution.

163. Algeria has ratified the conventions on transnational organized crime and their additional protocols. Its legislation on that subject was already quite advanced even before it became party to those international treaties and has since been strengthened in the course of the adaptation of the national legal order to those instruments. In 2016, a national committee on human trafficking was established.

164. Act No. 09-01 of 25 February 2009 introduced two new sections — one on human trafficking and the other on migrant smuggling — which have been incorporated into the Criminal Code.

165. In the new articles 303 bis 4 to 303 bis 15, the offence of human trafficking is defined in accordance with the protocol on trafficking in persons. The offence is punishable by a term of imprisonment and a fine, with heavier penalties being imposed if the offence was accompanied by the aggravating circumstances of having been committed in respect of a person whose vulnerability by reason of his or her age, illness or physical or mental disability is apparent to or known by the perpetrator.

166. **Recommendation 108**: In accordance with the law on the right to organize, there are no restrictions or constraints on the establishment of trade unions. There are 66 organizations that reportedly represent more than 2.5 million wage workers and 35 employers' organizations grouped into 4 confederations.

167. **Recommendation 109**: Following the visit paid to Algeria from 9 to 19 July 2011, Ms. Raquel Rolnik, Special Rapporteur on adequate housing, reported on the Government's commitment to providing lodging for its citizens based on its strategy for dealing with the housing deficit and eradicating slums.

168. The implementation of a number of plans in recent years has resulted in the construction of over 2.5 million dwellings of different sorts, and new projects are to be launched under programmes for 2015-2019.

169. **Recommendation 110**: Algeria stands side by side with peoples who are fighting for their political emancipation and economic independence. Its solidarity is borne of its own history and especially its war of national liberation against colonialism.

170. Algeria has helped to speed up the decolonization process, particularly in Africa. Its unswerving support for the cause of the Saharawi peoples is a perfect example of its position in this respect. Algeria supports the right of peoples under foreign colonial domination to self-determination and lends its political and diplomatic support for the triumph of their just cause.

171. **Recommendation 111**: Algeria places its faith in multilateralism. It believes that regional and international forums provide a means for the human family, with all its diversity and variety, to express differing points of view in a peaceful manner.

172. As a result of this belief, Algeria makes voluntary contributions to United Nations funds, programmes and other bodies, including the Office of the United Nations High Commissioner for Human Rights.

V. Achievements and good practice

A. Strengthening ethical standards in public affairs

173. The effort to combat corruption figures as one of the priorities in the overall reform process launched in the early 2000s and contributes to the consolidation of the rule of law and good governance.

174. As a preventive measure, senior and elected officials are required to declare their assets at the time of their designation or election and upon the completion of their term in office. This declaration of assets is a tool for preventing the illicit enrichment of public officials and local or national elected officials.

175. The Financial Information Processing Unit, an anti-corruption office, was established in 2004 and tasked with tracking money-laundering operations. In order to do so, it receives and acts upon reports of suspicious operations.

176. The National Anti-Corruption Agency is an independent authority that has legal status and financial and administrative autonomy. It reports directly to the President of the Republic and is the lead agency for the implementation of the national strategy for combating corruption. The Agency's role is confined to the enforcement stage when dealing with reports of malfeasance in connection with declarations of assets.

177. The Central Office for the Suppression of Corruption has been in operation since March 2013. This is a new, specialized investigative mechanism staffed by members of different units of the investigative police and financial experts.

B. Modernizing public administration and bringing it closer to the people

178. The National Government Service Observatory was set up in 2016. This consultative body assesses public policies and monitors their implementation.

179. The Observatory provides expertise, audits, assessments and other forms of assistance. It contributes to the process of modernizing the government service, takes part in the development and implementation of e-government functions and serves as one of the strategic oversight mechanisms tasked with tracking the performance of public services.

180. The Ministry of the Interior and Local Authorities has embarked on a large-scale effort to streamline and decentralize administrative procedures. Some of the main measures adopted in this area are:

(a) The establishment of committees at the *wilaya* level tasked with improving administrative government services;

(b) The review of the civil status law;

(c) The establishment of the computerized National Civil Status Registry;

(d) The reduction of the list of civil status documents in use in municipalities and consular services;

(e) The streamlining of the procedures involved in obtaining civil status documents for citizens born abroad whose names are entered in consular civil status registries;

(f) The decentralization of the administration of vehicle registration files and the streamlining of the procedure for their processing;

(g) The simplification of the procedure for correcting errors in civil status documents;

(h) Rigorous monitoring of the implementation of measures designed to improve public services.

181. A number of other initiatives are under way or about to be launched, including the introduction of electronic biometric national identity cards, the establishment of a national database of driver's licences, the digitization of administrative archives and an e-management system for benefits provided at the *wilaya* and municipality level.

182. The Ministry of Justice has been working to improve the coverage of the court system. There are now 219 lower courts with 23 annexes, 47 courts of appeal, 37 criminal courts and the Supreme Court, along with an administrative justice system composed of 38 administrative courts and the Council of State. A jurisdictional court has been established to settle conflicts of jurisdiction between the two systems.

183. The boundaries of judicial districts have been redrawn in line with the introduction of additional courts while bearing in mind the number of cases to be processed and the difficulties associated with the considerable distances separating different regions of the country.

184. As part of this effort to modernize the justice system in order to meet the needs of the people more fully, a number of programmes have been introduced in the following areas:

(a) The activation of an automated system for issuing judicial record certificates and certificates of nationality;

(b) Development of a system for the remote consultation of the judicial record management system;

(c) An automated prison management and monitoring system;

(d) The development of an arrest warrants management system that draws upon a national database containing files on all persons wanted by the law and on those no longer being sought.

185. The Ministry of Labour, Employment and Social Security has launched what is known as the "Chifa" health insurance e-card scheme. This system has made it possible to standardize the nomenclature used for different health services, to maintain a screened and updated list of persons eligible for Chifa health insurance, to manage the lists of partner institutions and to keep them.

186. All divisions of the government service provide additional services for persons with special needs, such as access ramps for persons with motor disabilities, the designation of a special service window for vulnerable persons, provision of sign language training for staff and the preparation of schoolbooks for use in informing persons who cannot read about their rights.

187. A series of toll-free telephone numbers and Internet sites have been made available to enable members of the public to circulate alerts, obtain information about administrative procedures, track their files or report failures on the part of government officials or institutions to respect their or others' human rights.

VI. Difficulties and constraints

A. The demographic dividend

188. Algeria is cognizant of the potential of the younger members of its population and the attention that should be devoted to them in order to help them contribute to the continued development of society.

189. The Government has worked with central and local government offices, banks and civil society to introduce various types of mechanisms for promoting employment among young people through entrepreneurship in the areas of agriculture, information and communications technologies, and craftwork.

190. This policy initiative, which supplements other efforts to provide vocational training and instruction to young people and to promote their integration into the workforce, has paved the way for the start-up of hundreds of thousands of microenterprises.

191. This initiative also contributes to efforts to combat social problems and all forms of extremism, indoctrination and radicalization.

B. The tense regional security situation

192. Terrorist groups have gathered in the Sahel-Saharan region in recent years and have exploited the destabilization of the situation associated with what are supposedly popular uprisings. They are also drawn to that region by transnational criminal organizations that realize substantial profits from hostage-taking, drug trafficking, human trafficking and contraband of all sorts.

193. The proceeds that these groups and terrorist networks obtain from their organized criminal activities allow them to build up stocks of weaponry of different types, much of which has been plundered from government arsenals.

194. The spread of these groups threatens the stability of the region. Algeria is the first line of defence in the effort to contain these groups and to stop them from regrouping, shifting their locations and deploying their members. This constant mobilization of security forces all along its borders is a daily challenge for the State of Algeria, which devotes significant resources to providing the operational material and equipment, in cooperation with other countries in the region, needed to contain these threats and ensure stability.

C. The damage done by the oil shock

195. Algeria obtains a substantial part of its revenues from energy exports. In recent years it has introduced numerous development plans and programmes in an effort to reinvigorate its economy, bolster growth, reduce unemployment and ensure the population's well-being.

196. This effort has been coupled with a very generous social benefits policy and a mechanism for building national solidarity and promoting human development.

197. The drop in international energy prices has had an impact on the Government's financial capacity. The early repayment of its entire external debt and the establishment of reserve funds have, until now, allowed it to withstand the repercussions of the crisis and continue to devote resources to public investment and social transfer payments.

198. This downturn in revenues has obliged the Government to rationalize its operational expenditures but has not yet held back social development efforts, as social projects continue to receive adequate budget allocations for their implementation.

199. Nonetheless, continued price declines constitute a very real challenge for Algeria. The State has thus pursued an economic diversification policy that calls for providing greater scope for initiative, promoting partnerships and putting in place mechanisms for wealth creation.

VII. Perspectives on the evolving human rights situation

A. Completion of the establishment of governance bodies for the press

200. The future Written Press Regulatory Authority (ARPE) will be a joint body that will include members of the press and will be responsible for issuing publication authorizations.

201. The designation of the members of an ethics council will pave the way for the development of a code of ethics for the media. The Institutional Information Act provides for the creation of the Higher Ethics Council, whose members will be chosen by journalists themselves. The organization and operational guidelines for that council will be determined by its constituent assembly.

B. Legislative reform

202. **The preliminary institutional bill on associations**: The purpose of this legislation is to consolidate the new constitutional provision (art. 54) which raises the Associations Act to the rank of an institutional law and further strengthens the right to freedom of association based on the lessons learned from the implementation of that law since 2012.

203. **The preliminary institutional bill on political parties**: This bill is designed to further strengthen the position and role of political parties and to define the means by which the new rights they have been granted as a result of the constitutional review (art. 53) are to be exercised. These rights concern access to government media and financial records and the exercise of political power at the national and local levels.

204. **The preliminary bill on the rights to freedom of assembly and peaceful demonstration**: The purpose of this bill is to align existing legislation with the new constitutional provision that has established the right to demonstrate peacefully (art. 49), to reinforce the guarantees for the exercise of that right and to ensure that it is exercised peacefully.

205. **The preliminary bill on the promotion of participatory democracy at the local government level**: The aim of this bill is to define the mechanisms and procedures for putting the new constitutional provision on participatory democracy (art. 15 (3)) into action.

206. **The preliminary bill to amend and supplement the Criminal Code (promulgated by Ordinance No. 66-155 of 8 June 1966)**: The purpose of this bill is to

consolidate the establishment of the principle of the right to a second hearing. In addition to providing for the right of appeal in criminal cases, this bill calls for changes in the composition and mode of operation of criminal courts but maintains the use of juries of the people for cases involving ordinary offences with the exception of the offences of terrorism, drug trafficking and smuggling. Cases involving the latter offences will be heard by professional judges, who will base their decisions on the principle of "clear and convincing evidence" (*principe de l'intime conviction*) in criminal matters and are required to issue the reasoning for their decisions.

207. **The preliminary bill concerning the Labour Code**: This bill is based on consultations undertaken with employers' associations, trade unions and other economic stakeholders for the purpose of bringing their positions closer together and providing them with an opportunity to share their expectations with regard to the wide variety of issues under consideration. The bill is intended to offer appropriate ways formulas for combining labour rights and the associated guarantees with the need to support corporate competitiveness and efficiency and economic development while rationalizing expenditures.

208. **The preliminary bill on advertising**: The aim of this bill is to provide a regulatory framework for the advertising industry.

Conclusions

209. By fulfilling its reporting obligations, the Government of Algeria hopes to have provided an informative presentation of developments and accomplishments in the field of human rights since its participation in the second cycle of the review in May 2012.

210. This report is by no means exhaustive; it does not cover all the steps taken in the sphere of human rights during that reporting period, but instead highlights the most important developments in this connection. It covers some of the good practices that Algeria would like to share with other countries and outlines the approaches to various issues that have been adapted to the situation existing in Algeria.

211. Finally, it should be noted that, in this ever-changing set of circumstances, in Algeria as elsewhere, much remains to be done as human rights standards evolve with each step forward that is taken.